File No 50-87

Serial Nos.

192

( )

Later reference

GENERAL AND REVENUE SECRETARIAT.

Serial No.

Part B for

SUBJECT.

Appeal of [illegible], Hoshiarpur Tahsil regarding [illegible] Shamilat [illegible] of the [illegible] Tika in the said Tahsil.

To,

The Deputy Commissioner, Hoshiarpur.

No. 4670 dated 5.8.18

65.

Status that the appeal has been rejected.

(7

Between
6 & 7

M. No 1624 dated
29 Dec 1889

Appl.

Pullapka
of Mallodu
Holalkere Taluq
Chitaldroog Dt
represented by
Mr Advocate
Subbaraya

Respdt
Shamanna
represented
by his
Advocate
Venkatramah

This is an appeal against the decree of the Dy Com Chitaldroog dismissing the suit brought by the appellant for the Shanbhog Hak of the Mallodu Fikra.—

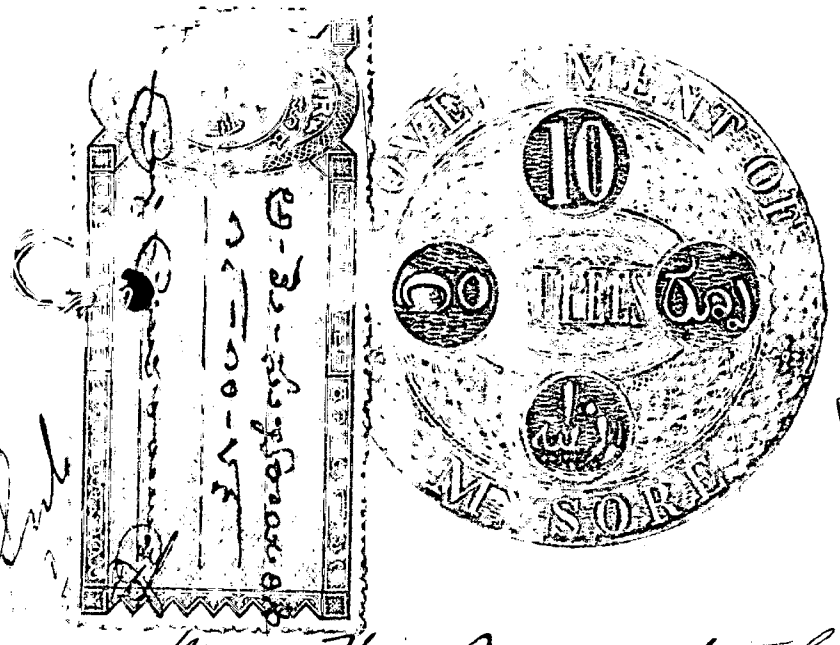
The facts of the case are briefly as follows.—

The Shanbhog
Hak of the 5 Fi

mentioned below belonged
to the family of the Petitioner —
Of these, 2 Zerkas were
registered ~~in the name~~ at
the Kacha Pottgi settlement
in the name of the applt's late
father, & the others are the
names of the other members
of the family — but in the
Pakka Pottgi settlement ~~the~~ the Kacha Pottgi arrangement
~~Applicant~~
~~arrangement~~ was altered
& only ~~village~~ ~~one~~ one
Zerka was registered in ~~the~~
applicant's name. — The
arrangements made at
the two settlements were
as shown hereunder. ——

		Names registered at the Kacha settlt	Names regd at the Pakka settlt.
1	Mallor Zerka 5 villages - salary 60 Rs.	applt's father.	Respondt.
2	Illigondahalli Zerka 4 villages - salary 44 1/2	Do ——	Chennappa
3	Lingadahalli Zerka 4 ~~villages~~ Rs 6 villages ——	Preshnappa	Applt
4	Karshalli Zerka 5 villages - 47 Rs.	Respdt's brother Jammanna	Preshnappa
5	Ajjekan Nagasandra 5 villages - 47 Rs.	Do —	Respdt's brother Jammanna.

Applt's name ~~there~~
in Pakka Pottgi



(1) S. No 1621

MYSORE COURT FEE

LR 80-89-1

Case for Rs 5 Ley 89

In The Court of the Commissioner & His Highness the Maharaja of Mysore.

Rev: Second appeal No of 1889

Appellant: Puttappa at Mathod Kolalekere J.

Respondent Samanna at Mathod do.

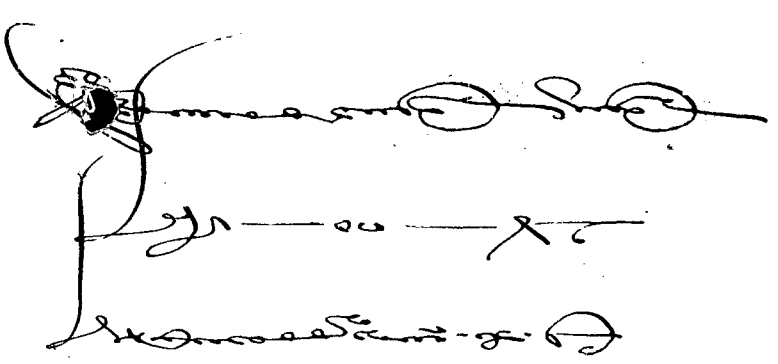
The appellant above named begs to prefer this appeal against the decree of the Dy Commr of Chitaldroog in Rev: appeal No 16 of 1889-90 for the following reasons.

1. The Lower Courts erred in deciding that there were three Hakdars to the Shanbogship of the 25 villages of Mathod Lamma &c as it is opposed to the statement of 1847 Lefrut in the 89 judgment in which two persons are shown as Hakdars.

2. The Lower Courts erred in Concluding that the 3 names shown in the register of 1866 were mentioned as Hakdars, in the absence of a recognised division amongst the original Hakdars, as admitted by the Courts below & by the parties.

3. The Lower Courts have misunderstood the list caused to be prepared by Mr Cunningham and failed to give effect to it; while it represents the original Hakdars and while it terms & have been adopted as

in the first instance, for



for the preparation of registers
at the Pakka Pottagy or final
Settlement.

4. The fact that Thimmanna
and Krishnappa the descendants
of Krishnappa mentioned in the
Register of 1847 were divided and
were enjoying separately certain
villages has been clearly proved
by evidence and by the admissions
on record.

5. The Lower Courts have erred
in concluding that Mallaiappa
was a Converting party to the
transfer of the Mathod Pirka
& Lawanni a member of
a different family, and the
transferring with the register of
final Settlement as fraudulent
prepared behind the back of
Mallaiappa & his descendants
supports the plffs contention

6. The Conviction of the final
register subsequently was a fraud
on Mallaiappa & the Lower Courts
have erred in treating the register
in its present Condition as
genuine

7. The inferences drawn by the Lower Courts from the Conduct of Venkamma & Thus are not warranted by the facts and Circumstances of the Case

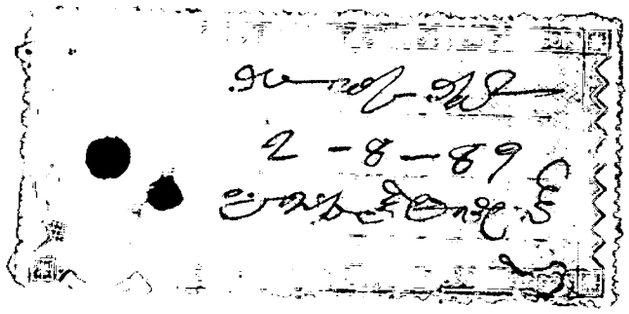
8. The Lower Courts have thrown the burden of proving that Subbarappa was not a Consenting party to the transfer referred to in para 5 above, and that the settlement of Mrs Cunningham came into force on the 26th, and duly have erred in doing so.

9. The depts have entirely failed to prove that Subbarappa was a Consenting party to the transfer

10. The Lower Appellate Court has left out of Consideration the question of adoption, and the Appellant submits the matter to this Hon: Court for such disposal as it may deem necessary

(1/a)

Received
Rs. 10/-
29.10.89



9. (1/4)

O.S.1

In the Court of the deputy —
Commissioner of the
Chitaldroog District
This 1st day of August 1889 at
Chitaldroog
Present - B. L. Venkatavaradaiyengar
Revenue appeal case no 1 of —
1889-90 —

Appellant
Venkatagiriyappa
alias Puttappa
Shanbogi of the
Yadappagere Circle
in the Hosdrug Sub-
Taluk.

Respondent
Sh amanna
Shanbog of the
Mattod Circle
in the Hosdrug
Sub-Taluk

Judgment.

1 This is an appeal from the decision of the Police Assistant Commissioner of the District dismissing the appellants' Suit —

2 The Suit is for the recovery of the Office of Shanbog of the Mattod Circle in the Hosdrug Sub-Taluk Consisting of the five villages noted in the margin —

Mattod.
Tippambadli.
Gondibadli.
Kabinayakanahalli.
Arenahalli.

3 The villages in question and twenty

theis formed one circle previously, there being two haddars viz the forefathers of the parties to the Suit, that is to say the adoptive father of the appellant (Plaintiff) and the great grand father of the respondent (defendant) -

4. There seems to have been no regular division of the villages among the haddars up to the time of the "Polgy" Settlement and the shareers appear to have been doing the duty of the office in concord -

When the "Katch Polgy" Settlement was made in 1874 by the the Assistant Commissioner Mr Cumingh on the villages w[illegible] divided into five circles more or less equal, and a shanbhoge nominated for each from among the haddars and their heirs. At this distribution the appellants' adoptive father's name was put down against the Pirda or circle now in dispute.

6 At the subsequent "Kadik Polgy" Settlement made by the then Deputy Commissioner major Armstrong in 1877 some change

was made, that is to say, the respondents
name was put against the circle in
question and that of the appellant
against another of six villages
at the consent (it is alleged) of his
old adoptive father. —

7 Soon after this the appellants adoptive
father died, and his adoptive
mother got a goomasta
appointed for the minor, who
did the work till the latter entered
upon his duties. —

8 The claim of the appellant is
that his adoptive father
was an equal Zaddar with
the great grand father of the
respondent and that he
should therefore have a full
half of the 28 villages forming
the entire charge and not
merely one circle of six villages,
the remaining 19 going to the des-
-cendants of the other Zaddar
viz the forefather of the respondent
He further complains that the
transfer of the circle in dispute
to the respondent in the "Patka
Potgy" settlement of 1877 was
improper and made by
Government by force. —

9 Of the claim as was put forward for a half of the
whole charge it is not known
why

12 all those in charge of the several sub-
divisions thereof were not sued,
but only the respondent in
particular.- The appellant
can give no satisfactory reason
for this beyond that because
the respondent was in possession
of the circle that had once
been allotted to his adoptive
father he had therefore
sued him alone. ——

This is no proper explanation
because his suit is not merely
to get back the old circle instead
of the one in his possession,
but to obtain it also on the
ground of his being a half
sharer. ——

10. If as alleged by him his
adoptive father was entitled
to a half of the entire "Pat"
it is not explained why so.
it is not explained why so.
long ago as in 1874 he consented
to a circle of only five villages
at the "Gadda" Settlement?

11 The respondent says that
the appellants' adoptive
father was present at
Major Armstrong's "Gadda
Patty" Settlement and
acquiesced in it. He has
proved

P.
8

proved this by the evidence of two persons — and the appellants admits that his adoptive father was present at such Settlement, but did not agree to it. — He is not however able to prove this as admitted by himself in his Statement ——

12 I, therefore, think that the distribution made at the "Kapada Patty" Settlement of Major Armstrong had the Consent of him thro whom the appellant claims. ——

13 I accordingly, agree with the lower Court and dismiss this appeal; all costs through out being borne by the appellant ——

14 It is now unnecessary to go into the question of the appellants' adoption, which the respondent denies. ——

"Signed"
B. H. Venkatawardda Iyengar
Deputy Commissioner

True Copy —

A. R. Ramaswamy Iyengar
Revenue Sheristadar
Chitaldroog
District

Date of application - 2-8-89.

11 when Copy was ready. 3-8-89.

— of delivery. 3. 8. 89.

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Fee 4—12—4

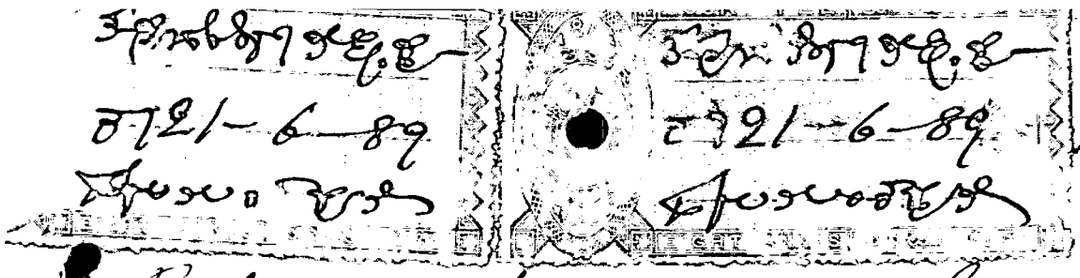
Comparing Fee 4-2-8

4-14-8

A.H.

Revenue Sheristadar

Chittaldroog Distt



Before Narayana Iyengar
Ag Police Assistant Commissioner
Chitaldroog 19th June 1889.

Revenue Case No 2 of 1888-89 on the file of the Deputy Amildar of Sirasang referred by the Deputy Commissioner to the Ag Police Assistant Commissioner for disposal

Plaintiff
Puttappa alias
Venkatagirigappa
Shanbhog of the
Kappaghere Firka
of the Huallo-d
Saimat.

Defendant
Thamanna a
Shanbhog of
the Huallo-d
Firka.

Decree.

In this case the Plaintiff claims the Shanbhogi office of the Huallo-d Firka from the Defendant.

This case coming on for final hearing before me on the 15th instant, upon hearing the Plaintiff and Defendant

as well as defendants Pleade
Mr. Sathunmappa in
person and upon perusing
the records, I order that the
suit of the Plaintiff be and
the same is hereby dismissed,
each party bearing his own costs.

"Signed" Narayanaiyar
Ag police Court

"True Copy

A. Narayanaiyar
Revenue Thasildar
Deputy Courts office

Copy applied for 2/6/89 No of 115
by the Plaintiff words.
Ready for delivery 8/7/89 Amount of fee "-3-4
Date of delivery 8/7/89 Comparer "---8
Total "-3-8

A.N
Revenue Thasildar

21-6-89

judgment.

Before Narayana Iyengar
Acting Police Assistant Commissioner
Chitaldroog
19th June 1889.

(Revenue case No 2 of 1888/9 referred to the Police Assistant.

Plaintiff		Defendant
Puttappa alias Venkatagiriyappa Shanbhog of the Kasapura Taluka of the Mattod Samuth	vs	Samanah Shanbhog of the Mattod Pirka

I. This Case was referred to me for disp. by the Deputy Commissioner of Chitalda by his Order No A dated 9th April 18

II. The Suit is for the recovery of the S Office of the Mattod Pirka Cous of the Marginally noted Ye C

1. Mathode.
2. Tippanahalli
3. Gowdihalli
4. Dalavoyhalli
5. Chikulli.

on the ground that it belonged Hak of Mallarappa, that the Pl is the adopted Son of the Said Mallarappa that at the Pakk Settlement of the year 1877, Mallara having die and the Plaintiff

then a Minor, the Office was irregularly given to the Defendant; that the Plaintiff's present age is 21 years.

The Defendant Stated that there were three Hakdars to the Shanbhoge Office of the Mattod Saccuath Consisting in all of 25 villages; namely (1) Defendant's father Timmannah, after him Defendant's elder brother Yammaya, (2) Defendant's uncle (father's younger brother) Kristappa, and (3) Mallarappa; that till the Pakka Potige Settlement, there was no [illegible] division of the villages among [illegible] Hakdars all working jointly; [illegible] in the Pakka Potige Settlement [illegible] over 25 villages were made [illegible] Shanbhogi charges or Phirkas, the three Hakdars divided [illegible] between themselves thus:—

Two Phirkas to the Hakdar No 1 of which the Mattod Phirka was given to the Defendant and the

the Phirka of Ajjikamsagar to the Defendants elder brother Thammiyaj (2) 2 Phirkas to Hakdar No 2 of which Krustappa retained the Karahalli Phirk for himself and got the Ittagondanahalli Phirk registered in the name of his grand-son (Son's Son) Chamnappa, then a minor of 1 year old; and (3) one Phirka namely Kappageri to Hakdar No 3 Mallarappa who got it registered in the name of the Plaintiff; that at the time of the above division at the Pakka Potegi Settlement of 1877, Mallarappa of whom the Plaintiff alleges himself to be the adopted Son was present and was a Consenting party to it; and that the Plaintiff is not the adopted Son of the said Mallarappa who died without issue.

As the question of adoption was involved, the Deputy Amildar who first entertained the Suit Considered that that question was first to be decided by a Competent Civil Court before the Claim of the Plaintiff as the adopti

Son of Mallarappa to the Office of the Mattod Phirka Could be Considered. With this opinion, the Deputy Amildar Sent up the Plaint &c to Mr. Raghunatharow, the Assistant Commissioner of the Sub-division to which the Hosdroog Sub-Taluk in which the Mahadi belongs.

The Assistant Commissioner passed the following Order dated 23rd February 89

" The parties appear — The Plaintiff bases his Claim on his adoption by Mallarappa — The Defendant denies the adoption — The Amildar will be directed to admit Such evidence as will be adduced by the Plaintiff and the Counterevidence by the Defendant on the point. The records will then be resubmitted for disposal on or before the 25th March 1889."

The records of further enquiry thus Ordered was Submitted to the Deputy Commissioner with the Deputy Amildar's Ittilla No 7 dated 5-6-89, when the Sub division Assistant Commissioner had gone on leave the Deputy Commissioner then referred the Case to me for disposal.

I have examined the parties again and Sent for certain Original records

from the Hiriyur Taluk (to which Mattod had formerly belonged) and from the District Office record.

III The following documents were produced by the Plaintiff.

1. Authenticated Copy of the Shanbhoge Register of the Mattod Summatte of the year 1847. Written in the Maharatti language.

2 Authenticated Copy of the Shanbhge Register of ~~the 1865~~ ditto of the year 1865 written in Kanarese.

3 Authenticated Copy of a list prepared by the then Assistant Commissioner Mr. ~~Master~~ Cunningham in 1874, dividing the 25 villages of the Mattod Summatte into 5 Phirkas and appointing men to them.

4 Authenticated Kanarese version of the English book showing the final appointments made at the time of the Pakka Potigi Settlement in 1877 by the then Deputy Commissioner Major Armstrong.

5 Authenticated Copy of the Kha-thavar account book of Mattod village, kept by the Defendant

in which certain land of Mallarappa has been transferred to the name of the Plaintiff "as Mallarappa's adopted Son" in 1878.

6. Authenticated Copy of a Razee and Kabulnama dated 7th December 1878, in which Venkamma widow of Mallarappa Styles herself the adoptive mother of the Plaintiff then minor and transfers certain land of Mallarappa to one Lingagowda and in which the Defendant Samanna has Signed for Venkamma and Kristappa (Hakdar No 2) has certified that Venkamma is the adoptive mother of Plaintiff. Note. The Original of this has been sent for and filed with the record of this Case

7. Authenticated Copy of a list showing payment of temporary Remuneration paid to the Shanbogs of Mattod Summatte in 1873 in which only 5 villages (names not mentioned) are put down for Plaintiff's elder brother

P 3 brother Shammaya.

8 Authenticated Copy of the Bara-Ward for April 1863 Showing the distribation of pay to the three Hakdars.

9 Authenticated Copies of a State-ment made by Hakdar No 2 Kristappa on the 20th April 1873, and also Authenticated Copy of the terms of Compromise entered into by the said Kristappa on the one hand and his brother Sheshanna on the other, in a Case brought by the latter against the former for a share in the Shaubhogi Offices of Certain villages of the Mattod-Summatt.

Note The Original records in the above Case were sent for and are filed with the records of this Case.

10 At the request of the Plaintiff the records in Revenue Case No 1 of 1885/86, Plaintiff Kesavappa Son of Sheshanna & Shemmappa were sent for and are filed with the records of this Ca

11. The records Connected with the appointment of Gurmatta to act for the Plaintiff during his minority were also sent for and are filed in this Case.

12. The Plaintiff examined the following Witnesses. — 1. Venkamma 2 Basamma 3 Mallarajois alias Mallarbhutta 4 Summa Puttabhutta 5 Lingabhutta 6 Gopalappa 7 Puttabhutta.

VIII The Defendant produced the following documents.

1. A genealogical tree of his family.
2. Authenticated Copy of Hookoop No 222 of 1857-8 appointing Defendants father Timmanna in lieu of Venkappa deceased.
3. Attenticated Copy of Amildars Ittilla No 295 dated 23rd December 1857, Reccomending the above appointment.
4. Authenticated Copy of a report dated 17th September 1864,

Kristappa himself or whether he was the first Son of Venkappa. Out thing is clear the working men were two on the Side of Hakdar Kristappa and one on the Side of Mallariya Viz himself.

Mallariya was wholly unconnected with Hakdar Kristappa's Family. He was of Harita gotra while Hakdar Kristappa was of Visvamitra gotra.

X The next Shanbhogi register is of the year 1865, prepared Eighteen years after the Register of 1847, a long interval which was Sufficient to create a good right by long enjoyment.

The entries in this Register are to the following effect :—

Registered Hakdar			Men who actually do work.			
Name	age	Father's name	Name	claim to Office	Fitness	When entertained
Shanbhogi registedar						
1 Yammadiya grand Son of deceased Venkappa	20	Yimanna	1 Kristappa 1 Mallarappa 1 Yammiah	Hackdar	Fit	From lagayit
1 Registedar Kristappa	35	Venkappa				
1 Hanmirappa	40	Puttappa				

These entries occur against all the 25 villages of the Mattod Samuatty, showing that in 1865 also, no division of villages had taken place and that three persons were Considered Hakdars in lieu of two in 1847. As Samanna was the elder Son of the original Hakdar Kristappa A, We should naturally look for his name in the Register of 1847, instead of the name of his younger brother Venkappa, which We find. The defendant explains that Samanna's name was not entered, because he was under Government employment as Killadar, a fact verified from the Yakeds issued by Government officers in the name of Samanna and which the defendant showed me.—

XII On the death of Venkappa the Accildar in Itilla No 295 dated 23rd December 57, recommended that Venkappa's Son Timanna be appointed in his room, Stating that Venkappa

Venkappa was simply a nominal Baraward dar and that the work had been and was being carried on by Timanna. The appointment was sanctioned in Hukum No 222 of 1857. It will be seen from the geneological list that Timanna was not the son of Venkappa as stated in the above documents and also in the Register of 1865 but was the son of Venkappa's elder brother Sannanna. The defendant explains that as Venkappa out of love and regard looked upon Timanna as son though he was nephew, the authorities put him down as son. This mistake which the Plaintiff makes much of seems to be immeterial Timanna, not being employed in Government Service as his father Sannanna was, had, it is to be noticed, entered upon

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the duties of Shanbhog in the life time of the nominal Barawardar Venkappa, and there can be no doubt that he did so upon his right as the heir of the eldest branch of the original Hakdar Kristappa.—

XIII Timanna having died on the 25th August 1864 his eldest Son Yammaiya was appointed in his room Vide Ittilla No 117 dated 13th September 64. Therefore Yammaiya's name is mentioned in the Register of 1865, as one of the three Hakdars and his name is at the head of them,— a fact which is in consonance with his being the representative of the eldest branch of the original Hackdar Kristappa, whose name also comes above that of Mallariya in the register 1867.

It does not appear when the name of Hakdar No 2 Kristappa (Called also Kristannappa) first Son of Venkappa

was ordered to be registered. But the fact that so late as the year 1865 when the register was prepared, he was looked upon as one of the three Hakdars and was moreover a working member is very favorable to ~~the~~ (ill) him.

XIII It appears that there were three Barawardars for the Shanbogi (ill) of all the 28 villages. The Baraward for April 1863 an authenticated copy of which is produced by the Plaintiff shows that their pay was as follows

As - as - p to Sinnanna Mattoo Shanbog
1 - 4 - 0
1 - 3 - 0 to Mannaraiya of Mattoo
1 - 3 - 0 to Kristappa Mattoo Shanbhog.

I have got a list prepared by the record keeper of the Hiriyur Taluk showing the names and pay as per old Barawards from the year 1860 to September 1877. This list is marked A. It shows that up to September 1877, the pay was distributed in the above proportion, and that

Revenue Case No. 34 of 1885/6 appears to have been a defendant of Kristappa's brother The Case ended in a Compromise. Neither the present defendant nor his elder brother Yammiah was a party to that Case. Therefore they cannot be bound by whatever Statements made by Shashanna and Kristappa in it. The deed of partition to which Shashanna referred was not produced in that Case, nor has it been produced in the present Case. Shashanna's Suit was only for a Share in the perquisites in the office and not for actual division of the villages. Shashanna was a great favorite of Mallaraiya, who it will be presently seen looked upon him as his son-in-law. It may be that Shashanna mentioned 12 villages instead of 8 as the share of Mallaraiya in order that he might afterwards get 4 villages for himself from him. —

XVI The next document relied on

* including Shashanna

brought by the 4 younger brothers of Hakdar Kristaffa No 2 against the latter in 1873, for a Share in the Shanbogi Office of 5- of the 28- Villages Shows that Plaintiff Shashanna who was one of Kristaffa's brothers and who in that Case represented the other Plaintiffs, Considered Mallariya as entitled to 12 villages. In the above Case Shashanna says that the remaining 12 villages were divided equally between the heirs of Shashanna on one side and his brother Kristaffa (defendant in the above Case) on the other, and that the village of Mattod was Settled to remain to be enjoyed in Common by all the Hakdars. But Kristaffa's reply was that Mallariya's Share was only 8 villages and that the rest belonged to the Original Hakdar Kristaffa's descendants. He also mentions one Govindaffa who from the genealogical list filed in

Linganna, his eldest son Yammiah always received the greater amount viz 1-4-. In some of the above Barawars the name of Sheshappa occurs in roome of Kristappa as acting in Consequence of the Suspension of Kristappa - and the payment ceased from october 1877, by Order of the Deputy Commissioner, as the Pakka Potti Settlement fixing pay on a revised Scale. Came into force in that year.

XI The distribution of pay in the above proportion and the entry of three men as Hakdars of all the 28 villages Shows that the Saumatta had three Barawardar Shanbhogs of equal rights. But the Plaintiff wishes to fall back upon the Register of 1867 when, although three men were working two Shares were mentioned and he says that Mallariya was entitled to a half Share in the villages. The records of the Suit

on by the Plaintiff is the Register prepared by ~~Mr. Bister~~ Mr. Cunningham in 1874, in order to form Convenient Shanbhogi Kirkas of the villages of the Hiriyur Taluk and allot them to particular individuals, evidently because the old practice of two or more Sharers working jointly in a large number of villages was attended with imperfect working and divided responsibility. ~~Mr. Bister~~ Mr. Cunningham makes five Kirkas of the 25 villages of Mattod and allots them as follows

No	Kirka	Revenue			Name
1	Mattod and other villages	905	10	9	to Mallariya Hakdar who signs saying that he cannot work himself but would nominate a gumasta.
2	Siddagowdana-halli and 3 other villages	716	5	7	to Kesvappa aged 14 years by Consent of Hakdar Mallariya whose daughter's Son he is.
3	Karehalli & 4 other villages	717	10	7	to Hakdar Kristappa
4	Kappagere and 5 other villages	571	2	4	to Shashanna a brother of Hakdar Kristappa
5	Ajjikamsagar and 5 other villages	748	13	3	to Hakdar Tammiya.

Thus it will be seen that only one Phirka is allotted to Jamuniya the representative of the elder branch of the Original Hakdar and that Mallariya and Kristappa Hakdar No 2 get 2 Phirkas each. Eswappa nominated to Phirka No 2 is the Son of Shashanna, nominated to Phirka No 4. So that in the result two Phirkas Come to Shashanna's side. —

The Plaintiff has stated that he does not know whether the division of the Phirkas into 5 and nomination of men as above Came into force, and that he is unable to prove that they Came into force. The Defendant says that the above arrangement never Came into force and that the work was Carried on jointly as before till the final arrangement of the Pakka Potgi was made in 1877. This is supported by the fact that no gumasta seems to have been appointed

either to Phirka No 2 for the minor Eeswappa or to Phirka No 1 for Mallaraffa and that in the Barawaros the three Hakdars only are, as has already been noticed entered and get pay in equal proportion till the year 1877.

XVII. The Copy of a list (numbered 7) in the exhibits of the Plaintiff vide VIII) Showing payment of temporary remuneration which was Sanctioned as a Compensation for the Stoppage of the levy of the aya grain by Potails and Shanbhogs after Survey Settlement and which was in addition to the Old pay of the Barawards, enters only 5 villages for Yammiya and puts down the other 20 villages jointly for Mallariya and Shashanna, the latter evidently for Kristaffa; and Mr. Stor (H) Cunningham's list also, under the head "present State of things" adopts the Same figures, &c,. But the Defendant was not Consulted

in the above arrangement, which, Moreover has not been proved to have come into force, and the Plaintiff has adduced no Conclusive evidence to show that the Defendant had no right to claim a Share in the final Pakka Potigi ~~Settlement~~ arrangement, which was made only three years afterwards.—

XVIII. I now come to the Pakka Potigi arrangement which was made by the then Deputy Commissioner Major Armstrong on the 27th July 1877, in which 5 Hirkas were allotted as follows:—

No.		Annual pay			
1	Mattod and 4 other villages	60	u	u.	to Shawanna (Defendant) son of Timmanna according to the Consent of his elder brother Yamniah.
2	Tidagonda-naphalli and 3 other villages	44	8	u.	to No 2 Hakdar Kristappa's grand son (Son's son) Shamappa then a minor of 1 year old.
3	Karehalli and 4 other villages	47	u	u	No 2 Hakdar Kristappa
4	Kappageri and 4 other villages	46	u	u.	to Puttappa (Plaintiff) then 12 years old adopted son of Mallarappa.
5	Ajjicam-Sagar and 4 other villages	47	u	u	to Yamniya (elder brother of Defendant)

71 XIX. In his Statement before me the Plaintiff has admitted that his adoptive father Mallaraffa was present before Major Armstrong at the Pakka Poligi Settle-ment made as above, but he states that Mallaraffa's Claims were not properly Considered then and that as Mallaraffa died about a Months and a half afterwards, and as Plaintiff was a minor, no appeal Could be preferred against Major Armstrong's decision. The Plaintiff says that Mallaraffa died on ೨೦ ಅಶ್ವಿನ ಶು ೨ ೨೦೨೩-೪೦ which according to the Hindu Calendar for the year 1877-8 viz Iswara Corresponds with 12th September/Oct 1877, that is, a Months and a half after the Poligi Settle-ment. The Plaintiff has further Stated before me thus "I have no papers whatever with me to show that they did the Pakka Poligi appointments against the wishes of my adoptive father Mallaraffa nor have I any Witnesses who would Speak in my behalf on that point. I leave

the Court to 1H 40
Come to a decision upon
Consideration of the Registers &c I
have pronounced"

XX The original English Register of the Pakka
Potigi Settlement shows that Shashanna
had first been entered for the first Phirka
Viz, Mattod in the following words "Shashanna
bin Venkappa Badagaund Swartha
Brahman 37 years Fit by Consent
of the Hakdar Mallarappa who is his
father-in-law : to reside at Mattod" This
has been Cancelled by a dash in black
ink and then the name of Shashanna
~~Plaintiff~~ Defendant's is entered. For the Kappagri Farka
No 4 the following entry was made in
pencil.
"Mallarappa's adopted son Puttappa
12 years; a fit gumasta to be procured
in 15 days" In writing the above in ink
the then Revenue Head Munshi Wrote as
follows :— "Mallarappa Son of
Puttappa 12 years old is appointed
to this charge A fit gumasta to be
appointed within 15 days" Thus a
palpable mistake was made
in entering the name of Mallarappa
instead of the name of Plaintiff

Puttappa. This mistake was found
-ut and rectified by ~~Mooster~~ H.H. Abdul-
Khader when appointing a gumasta
for the Plaintiff with the Consent of
Mallarappa's widow Venkamma Vide
Hookoom No 5-80 dated 10th January
879. If it was the wish of Mallarappa
to have appointed the Plaintiff to the
Shirka of Mattod, it is Strange that
he never did so. On the Contrary
he mentioned Shashanna's name
for it. It will be seen that Shashanna
was the man who with his Son had
been put down for a lion's Share in
the list of 1874. So, in the Pakka Potigi
time also, Shashanna Seems to have
tried very hard with the help of
his alleged father in law Mallarappa
to Secure the biggest of the Shirkas
for himself. But he failed in his
attempt, apparently because
the heirs of the elder branch of the
Original Hakdar Kristappa
A, had an opportunity of
Substantiating their preferential
Claim to it. Mattod was the Kasaba
village and was the larg-

in point of Revenue and so it was natural that when the time came for it to fall into one or other of the Phirkas and into the hands of one or other of Hakdars, the heirs of the elder branch were selected for it ——

XXI The records filed with the Deputy Commissioner's Hukoom No 5-80 dated 10th January 1879 shows that Venkamma the widow of Mallappa and Shivanna whose name has been entered in the list of 1874 for the 4 villages of Liddgondanahalli Phirka and who seems to have worked under Mallappa in his old age, raised objections to handing over the accounts of those Villages to No 2 Hakdar Krishnappa's man appointed at the Pakka Post and that the authorities took the accounts by force No such objection was raised in regard to the Mattod Phirka which was given to Defendant and it is highly probable that if Mallappa had lost that Phirka against his wish Venkamma would have raised

raised Similar objections. On the Contrary
She has given a Statement dated
10-12-78 requesting that the name
of the Plaintiff be registered for the
No 4 Kappagan Phirka (in lieu of her
husband's name which was entered
by mistake by the Head Munshi)
and nominating a gumasta.
If it was true that the Mattod
Phirka was given to the Defendant
Shamanna against the will of
Mallappa, it appears to me
that Venkamma and Shamanna
would not have Kept quite but
would have preferred an appeal
against the order of the Deputy
Commissioner. The records show
that Venkamma has acted as the
guardian of the minor Plaintiff
in transferring Mallappa's
lands to others. The Conduct

acted Similarly if Mallarappa before dying had expressed a wish to prefer an appeal against the said order

XXII The probability therefore is that when Mallarappa Suggested Shashanna's name for the Mattoo Phirka, a discussion of the rights of the members Concerned ensued, and that finally they Settled by mutual Consent that the appointments Should be made in the manner done in the Pakka Potigi Register. Only after the death of Mallarappa, his dis- -appointed favorite Shashanna with the help of Venkanna makes an attempt to take the Phirka No 2 Siddagoudana- -halli and fails in that also —

XXIII In January 1885, Shashanna's Son Keshappa brought a Suit No 1 of 1885-86 against No 2 Handa's

Phirkas were transferred to the Hosdrug range of the Holalkeri Taluk, as well as Itagoudanahalli of Phirka No 2, leaving only three villages for it in the Hiriyur Taluk. The present Phirkas are therefore as follows :—

In the Hosdroog range

		Revenue as per Poligar Settlement of 1884.			Salary as reduced in 1884.		
1	Mattod and 4 other villages	968	"	"	44	4	"
2	Itagoudanahalli	6	"	"	1	4	"
3	Karehalli and 4 other villages	650	"	"	30	8	"
4	Kaffageri and 5 other villages	422	"	"	23	"	"
5	Ajjikaunsagar and 4 other villages	548	"	"	26	8	"

In the Hiriyur Taluk

6	Siddagoudana-halli and 2 other villages	681	"	"	31	12	"

Thus the Phirka of Siddagoudanahalli having lost a village and having remained in Hiriyur while the

the
Others have Come to Hosdrug, the
Plaintiff Seems to have thought
it Convenient to go in for the
Mattod Rhirka. ——— ——

XXIII The present Defendant.—
Shashanna's Statement as a Witness
in Case No 1 of 1885-186 which the
Plaintiff requested Should be taken
into Consideration in this Case
is to the following effect.

"At the time of Pakka Potigi in 1877,
Shashanna represented that his
Son's name Kesavappa Should
be entered for the Kappaniaka—
-nahalli Rhirka according to
the list of 1874. Major Armstrong
made enquiries and Said that
it Could not be done. Mallarappa
Was then present. He Said nothing
then. All this took place verbally,
No records were made. Mallarappa
represented that the 25 villages

Should be divided into three Shares.
Major Armstrong Considered the
matter for a long while, and
then gave the Kappageri Phirka
to his (Mallarappa's) son and
the Kappanaikanahalli Phirka
to Puttanna's son (ie Kristappa's
grand son). The Deputy Commissioner
looked into the Register of 1865,
and said that the three persons
Mallarappa, Jannaiya, and
Kristappa were Hissedars or
Hakdars to the 25 villages. I
have also heard the same from
my Yajamans. Will the Potigi We
(my Yajmans) have done the work
of not only 5 villages but all the
Hukdars have done the work of all
the villages jointly. In 1876, Mallarappa
Kristappa, and Jannaiya ought
to have got 8 villages each more

X alluding evidently to his father and brothers.

X 1 Ajjikamanahalli. 2 Kenchagalla. 3 Inchanahalli. 4 Inuttagondi. 5 Hagalkere now forming Pliffo brothers Jannaiya's Phirka.

or less out of the 25 villages. I do not
know why Mr. Cunningham did not
divide the Phirkas according to that
proportion.

XXVIII Thus, there is nothing in the
defendants Statement to show that
he was willing to give up his Phirka
to the Plaintiff. The villages having
been made into 5 Phirkas, they could
not be equally divided among the
three Hissedars. One of them had to
rest Contented with only one Phirka +
and this Mallacappa, who had
no issue Seems to have done thinking
that it was quite Sufficient for his
adopted Foster Son. The Plaintiffs
Claim and the manner in which he
at last falls back upon the defendants
Statement in Case No 1 of 1885-6 regarding
the justice of dividing the villages at
8 for each of the three Hissadars
give rise to the general question of
remodelling —

10/

and redistributing the 25 51 villages of the Sawantwat among the three Desseadars. This question cannot be considered in a case in which the Plaintiff has chosen to make the Defendant alone a party while the interests of others also are involved in the general question. He ought to have included all the Desseadars or their heirs as Defendants. Indeed he had included in ~~the~~ his Plaint the other Phirkadars also as Defendants in addition to the present Defendant Shawanna but on after thought he struck off their names, retaining only Shawanna. It therefore appears to me that having regard to the general question involved the Plaintiff's Suit in the form in which he has brought it against the Defendant alone must be dismissed. Further I do not think that a case like this is fit for decision in Suits like this. As the remodelling of the Phirkas cannot be made without the Sanction of the Government the proper mode of seeking redress seems to be for the Plaintiff to represent his case to Government through the Deputy Commissioner. His representation can only be entertained, if it is fa-

examination that Plaintiffs father came
to mattod and renounstated with
Mallarappa for his having per-
-formed the Plaintiffs Upanayana.
Gopalappa the elder brother of the Plff.
Says that his father sent Plff. (from
Bukkapatana of the Sira Taluk where
he was living), with his (Plff's) other
brother Siddappa to mattod for
adoption and that neither his
father nor himself were present
at the ceremony. Defendants two
Witnesses Corrobarate the Plaintiffs
Witness Puttabhutta that no adoption
took place; that Mallarappa
performed the Plaintiffs Upanayana
and that Plaintiffs father Ramanna
afterwards renounstated with him
for having done so. It will be
seen from the genealogical list
that Plaintiffs father Ramanna
Was the younger brother of Kristappa
Huddar No 2. Shashamma having
died about three years ago, the only
Surviving brother of Plaintiffs father
Ramanna is Narayappa who is thus

Jois Mylarbhutta, Lingabhutta, Puttabhutta,
Narsaffa and many others were present.
But Mylarbhutta says that he was
not present and that he does not
know whether the adoption took place
or not. He thought that the Plaintiff
was the foster son of Mallaraffa
brought up by the latter from fond-
-ness and regard. He knows that
Mallaraffa performed Plaintiff's
Upanyana, that no Sabha or meeting
was held for the adoption and
no intimation regarding it was sent
to the Mutt. The next witness Sanna
Puttabhatta says that the adoption took place,
that the Purohit who officiated at the
ceremony was Marikanabhatta's
son Puttabhutta (now deceased), assis
-ted by Mylaribhutta, who, however,
it has been seen denies his presence.
Similarly Lingabhutta does not
know whether the adoption took place
or not. Another Puttabhutta exami-
-ned by the Plaintiff has stated to
the same effect admitting in Cross

that a valid adoption has taken place and
that the Pattakka Potige appointments were
made against the wishes of Mallarappa
XXVIII The view I take of this case as above
renders it unnecessary for me to consider
the question of adoption. Still, as the case
may come before the appellate Court, I
consider the question also. The oral evidence
adduced by the Plaintiff is of the
vaguest kind. He himself does not
know in what year he was born, in what
year his adoption and Upanayana
took place. The adoption was an event
of the highest consequence in his life
yet neither his adoptive mother, nor
himself, nor the Purohit can mention
the year and his Witnesses Contradict
each other most unsatisfactorily. Venkamma
Says that Plaintiff's father Ramanna
was present at the adoption but
a few lines after She Contradicts
herself by Saying that Ramanna
went away leaving Plaintiff for the
adoption. Venkamma Says
that at the time of adoption

11/

thus Plaintiffs own 61 '85
uncle Venkamma
mentions Narayappa as one of the
persons who were present at the adop-
tion. As Plaintiff did not examine
Narayappa Defendant cited him
as his witness. Narayappa has
stated to the following effect:—
Note. The purport only is given below
" My brother Rawanna asked my
opinion as to what he should do
in regard to Mallarappa's request
for giving Plff. in adoption to him.
I said " you are yajaman do accord-
ing to your wish." Rawanna then
decided and said that he would
not give Plff. to Mallarappa. My
other brother Shashanna took Plff.
to Mattod saying that he would
perform his upanayana. The upana-
yana took place in Mallarappa's
house and Mallarappa performed
it. Rawanna's reason for not
giving the Plff to Mallarappa was
that the latter was of Haritsagotra
which Rawanna was of Visvamitra gotra
and Rawanna did not like his son
(the Plff) to go to a foreign gotra. On

month after the Upanayana Ramana
Came and remonstated with Mallappa
for having performed the boys Upanayana
"— At the time of the Pakka Potegi Settle-
-ment Mallarappa transferred the
Kapagere Phirka and all his proper-
-ty to the Plaintiff saying "I have no
issue. My line became extinct. Shathanna
of Visvamitra gotra is anyhow my Son-in
-law and so my Shanbhogi Office
should go to him. But let the Plff.
be my heir and keep up the Lamp
of my house. The Upanayana took
place in the year. ೧೦೩೮೮" Narayappa
as well the defendants other witness
Krishappa say that the Pakka Potegi
appointments were made with the
Consent of Mallarappa after
discussion. — —

XXIX The year angerasa ೧೦೩೮೮
Corresponds to 1872-73. If the
Upanayana took place in that
year, it is strange that Mallarappa
did not get the name of Plaintiff —

the acting Amildar before whom the paper was drawn up, was no other than the Head Moonshi, who was present at the Pattee Potigi and wrote the Potigi Register. Thus, an informal and disputed adoption having been conceded at the Potigi so far as to make Plaintiff get the Kaffagere Phirda and other property from Mallaraya, and the appointments having been made with the Consent of all the members, it was thought there was no harm in attesting Plaintiffs exhibit No 6, as it referred to the disposal of Mallarappa's lands. These observations may seem a little far fetched, but I feel Constrained to make them, Considering the extremely unfavorable evidence which the Plaintiffs Witnesses have given regarding his adoption and the Complete absence of any deed or Correspondence between Ramanna and Mallaraffa or memorandum or note drawn up by Mallaraffa at or about the time of adoption

and left by him and no reason
as to why Plaintiffs own uncle Narnap
should say that there was no adoption.
XXX The evidence also is Contradictory on
the point whether or not the Plaintiff
is performing Sraddha to Mallarappa.
but on the whole it appears to me
that he is performing it. Having got
property and the Shanbhogi of the
Kappagere Phirka from Mallarappa,
Plaintiff felt bound to do Sraddha to
him. But this Cannot make the adoption
valid so far as to affect the rights of others.
For the above reason my finding on
points Nos 1 and 2 is that the appointment
of the Defendant to the Mattod Phirka
was made with the Consent of all the
Hakdars including Mallarappa as
whose adopted Son the Plaintiff Claims
it and that therefore it is irrevocable
now" My finding on the third point
is that it is doubtful whether a valid
adoption has taken place.
The Suit is therefore dismissed."

13-11-89

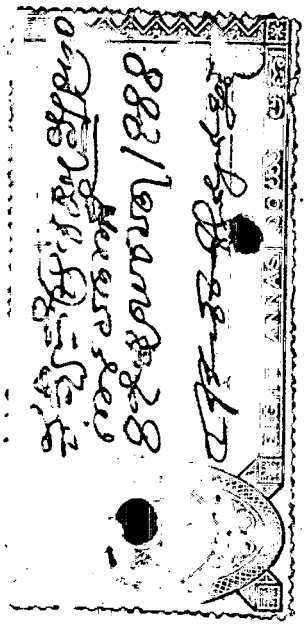
62 (2)

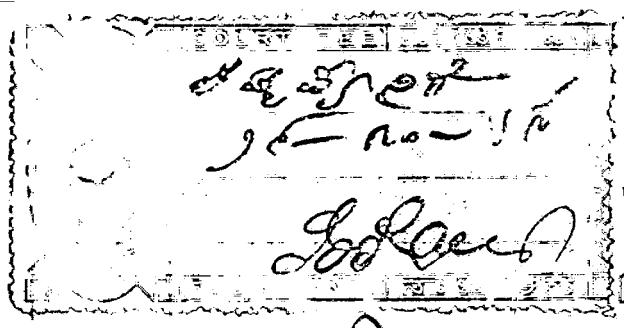
No 1746

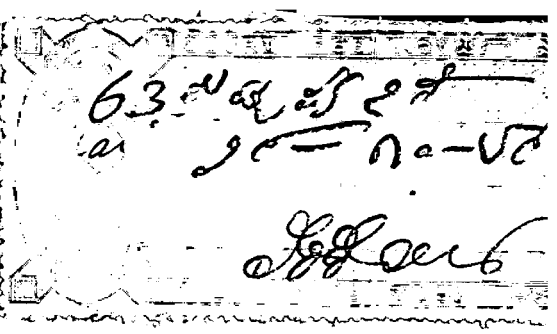
1621

1881

18-11-89







(2/a) In the Court of the Deputy Commissioner of the Chitaldroog District

This 21st day of August 1889 at Chitaldroog

Present B. Venkatavaradaiyengar

Rev. Appeal Case No. 1 of 1889-90

Appellant

Venkatagiriyappa ~~D.S.~~ alias Puttappah Shanboge of the Kappagere Hirka in the Hosdrug Sub Taluk

Respondent

Shamanna Shanboge of the Mattod Hirka in the Sub Taluk

Decree.

This Case coming on for hearing this day, upon perusing the records and hearing the parties in person and the respondents pleader, This Court doth order and decree that as the distribution of the 25 villages of the Mattod Hirka made at the Pakka Polgy Settlement by Major Armstrong in 1871 had

(General Serial No. 31.)

(14) 67

1889 6475

3457

From The Deputy Commr
Kolar & Hoskote Divn

LR 80-89-3

To The Chief Secretary to the Govt of Mysore

Dated 27 November 1889

Despatched

Received

Enclosures No. 3 with 2 records

General No. 326

No. 300

Sir,

I have the honor to acknowledge the receipt of your official Memo. No. 393 of the 22nd instant received yesterday.

In reply I have the honor to submit herewith Proceedings in the Chamboji case of Mothode in the Hoskote Sub Taluk as noted in the margin. The enclosures of your Memo under reply are also herewith returned.

I have the honor to be
Sir
Your most obedient servant
[redacted]

1. Original Case No 2 of 1888/89 on the file of the Collector & Dy Commissioner Kolar
2. Appeal Case No 1 of 1889/90 on the file of the Deputy Commissioner Kolar

2/p. 05.

Adjourned to 22nd May 1890
14.3.90

Adjourned to 12th June 1890 at the request of the Appellant's advocate
CA
14/4/90

Hearing 9th January 1890
Remarks
Appellant absent & Respondent
CA
27/11/89

Appt & Mr Subraya the appointed agent both present.
CA
Engd
14/3/90

CA
9/1

Adjourned to 24th Inst
CA
14/1/90

Adjourned to 20th Inst
CA
21-1-89

Adjourned to 27th Inst
CA
20/1/89

Adjourned to 3rd Feby 1890
CA
27/1/89

Adjourned to 10th Feby 1890
CA
3/2/90

Adjourned to 17th Feby 1890
CA
10/2/90

Adjourned to 24th Feby 1890
CA
17/2/90

Adjourned to 3rd March 1890
CA
24/2/90

Adjourned to 10th March 1890
CA
3/3/90

Adjourned to 17th March 1890
CA
10/3/90

Adjourned to 24th March 1890
CA
17/3/90

Adjourned to 31st March 1890
CA
24/3/90

Adjourned to 7th April 1890
CA
31/3/90

Adjourned to 14th April 1890
CA
7/4/90

R 68. (57)

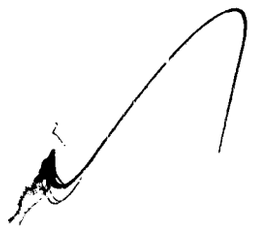
LQ 80-89-b

No 7104/172 dt 27-11-89
17-12

A Registers of the

Read docket from the
DC Cuttack dated
16th Nov 1889 No 326
300.
No 7104/172 dt 27-11/17-12 1889
the DC Cuttack
is requested to forward
the original Pakka
Rakcha Potaji ~~statements~~
~~not Registers~~ Settlement-
of the Villages referred to
in the Proceedings forwarded
with the docket read
above.

Sd
27/11/89



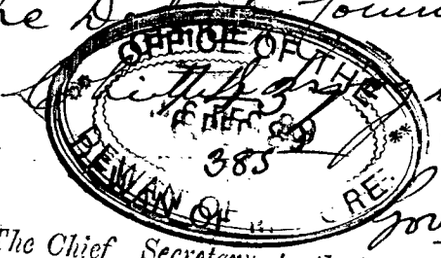
To

The Dyboum Electric

Dy 24 Nov 1884

From

The Deputy Commr
Chitaldroog



To The Chief Secretary to the ~~Dewan~~ Govt
of Mysore

Dated 19th December 1889
Despatched 19th do
Received

Enclosures No. 2

General No. 370
No. 336

Government Proceedings No. 7164/172 of the 29th Ultimo received today.

In reply has the honour to submit herewith for reference and Kindly return when no longer required, the Rough and Pakka Pottahs, Settlement Registers of the Hiriyur Taluk of this District.

Deputy Commr
Chitaldroog

LR 80-89-5

Submitted to Councillor MK
4-1-90

This is a case when the Under Secretary should submit in duty bound for orders

DH

MK
25.12.89

9-1-90 27-12-89

89 | 90

(General Serial No. 30). 70-71

1890.

From

To The D.C. Coimbatore Dt

L.R. 80-89-6

Dated 5

Despatched 13 August 1890

Received

Enclosures No.

General No. 4690

No. 65-N

Fwd. Copy of decision in Appeal No. 1624 of 29th Octr. 1889 —

Appellant —

Puttappa of Mallodu, Hobli — Kiré Taluk.

Respondent —

Munuswamy.

27

Before the Government of *His Highness* the Maharaja of Mysore (7)

Appeal No. 1624 of 29th October/89

Appellant. Vs. Respondent

Puttappa of Mallodu, Kolalkere Taluk, Chitaldrug District, represented by Mr Advocate Subbarayar.

Shamanna represented by Mr Advocate Venkatarama yya

Decision. 27.7.90.

This is an appeal against the Decree of the Dy: Commr, Chitaldrug Dt, dismissing the suit brought by the appellant for the Shambogue Huck of the Mallodu Firka.

The facts of the case are briefly as follows:—

The Shambhogi Huck of the 5 Firkas mentioned below belonged to the family of the Petitioner. Of these 2 Firkas were registered at the Kacha Potigi Settlement in the name of the appellant's late father, and the others in the names of the other members of the family; but in the Pakka Potigi Settlement the Kacha Potigi arrangement was altered and only one Firka was registered in the Appellant's name. The arrangements made at the two settlements were as

	Names registered at the Kuella Settt.	Names registered at the Pakka Settt.
1. Mallodu Tirka 5 villages. Salary Rs 60/-	Appellant's father	Respondent.
2. Thygondahalli Tirka 4 villages. Salary Rs 44/2	Do	Chennappa
3. Lingadahalli Tirka 6 villages Salary Rs 46	Krishnappa	Appt
4. Kurchalli Tirka 5 villages. Salary Rs 47	Respondent's brother Tamanna	Krishnappa
5. Ajjakan Sugara Tirka 5 villages. Salary Rs 47	Do	Respondent's brother Tammanna.

Appellant having thus got at the Pakka Patige Settlement only one Tirka instead of two which stood in his father's name, he brought a suit in Nov: 88 for the possession of the Mallodu Tirka.

The Police Assistant Comm:, who heard the case, dismissed the suit on the ground that the appointments at the Pakka Patige Settlement were made with the Consent of the appellant's late father and that they should not therefore be cancelled.

The Dy: Comm:, who heard the case on appeal, remarked that the real claim of the appellant was for half of all the 25 villages, and if so, he should have brought the suit against all the persons in possession of the several Tirkas instead of against the Respondent only, and further seeing

P. 7. 62-92.

G. R. S. IX-5]

Previous references.

1889-90.

File No. 80-89

192 .

Serial Nos. 1-6

(L. R.)

Later references.

LR 206-92

P-7 D: 92

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

M Part B for August 1890.

SUBJECT.

Appeal of Puttappa, Holalkere Taluk regarding the Shanbhogi huk of the Mattodu Pirka in the said Taluk.

To,

The Deputy Commissioner Chitaldoorg district,

No. 4690/65. Dt. 5.8.1890.

States that the appeal has been rejected.

WD 2233—GPB—20,000—14-6-20

Indexed

settlement only one
Pukka instead of two
which stood in her father's
name, he brought a
suit in June 1888
for the possession
of the Mallodi Pukka.—

The Police Asst
Collr who heard the case
dismissed the suit on the
ground that the appointments
at the Pukka Potrey settlt
were made with the consent
of the appellant's father &
that they should not therefore
be cancelled.— The Dy
Collr who heard the case
on appeal remarked
that the real claim of
the appellant was for
half of about 25 villages,
& if so, he should
have brought the suit
against all the persons
in possession of the
seven Pukkas instead
of against the Respt
only, & further agreeing

with the Court below that
the the arrangement
made at the Pakka Pargi
was ~~set~~ with the
consent of the appellant's
father rejected the appeal.—

~~The Court considered~~
~~that~~ Even granting
that Petitioner's father
~~accepted~~ the arrangement
made at the Pakka Pargi
Settlement, there is nothing
to prevent the Petitioner from
asking for his proper share.—
The consent of the father
in a matter of hereditary
right is not binding on
the son, unless there was
valid consideration for
the same.— The Lower Court
~~wrongfully rejected~~ was therefore
to be remanded to the Dy Court
~~for proceeding~~ with a
request that he will make
all the ~~necessary enquiries~~
~~and dispose~~ holders of the five
Tikas as Defts in the case,
re-investigate the matter taken
~~case~~, & dispose
of it on its merits.—

VP
26/7/90

VP
27/7/90

from Kristaffa (Hakdar no 2) bringing to notice the death of Timmanna and requesting that the name of Pamanna the Son of Timanna be entered in the accounts.

5. Amildar's Ittilla no 117 dated 18th September 64, to the Same effect.

6. The defendant examined the following Witnesses:— 1 Kritappa, (not Hakdar no 2) and 2 cVaraappa,

IX The points for determination in this Case are:—

1 Whether the Pakka Potige Settlement of 1877 so far at least as the appointment of the defendant to the Phirki of Mattoo is Concerned Was made with the Consent of Mallarappa as whose adopted Son the Plaintiff Claims it?

2. Whether the Plaintiff is entitled to get the Phirka in question from the defendant?

3. Whether there has been a valid adoption.

X A referrence to the genealogical tree is necessary. An English version of it so far as is necessary in this case is appended to this judgment. The Shanbogi register of 1847 Contains entries to the following effect :—

No.	Name of Hakdar	Name of Aumbhogdar or who is in enjoyment	Reason for enjoyment	Persons who are actually doing duty now
1	Kristappa	His son Venkappa Kristappa	By reason of hereditory right two ~~shares~~ (men) have been entered. In the Barawards however since the time of Purnaiah's administration, three Shares (men) have been entered and they enjoy by two shares.	The said two men —o— The said Mallariya.
1	Puttappa	His son Malla-rya.		

The above entries apply to all the 25 villges of the Mattod Sumnatte, and show that there was no divison of villages among the Hakdars, and that they worked and enjoyed joyently. The Hakda Kristappa of this register was the Kristap marked A at the head of the geneologic list. It is not quite clear, whether Krist the Aumbhogdar was Hakdar Kristapp

grandson Shamappa for the Shanbhogi of the four villages of Phirka Liddagoudanahalli. He based his claim as the Mohitra (daughter's son) of Mallarappa and requested that his nomination to that Phirka by Mallarappa as made in the list of 1874 might be ordered to be brought into effect. The Suit was dismissed because Kesvappa utterly failed to show that Mallarappa had any ~~daughter~~ Widaughter ~~Later~~ and that he was her son. It is supposed that Shalkanna had married some distant niece of Mallarappa and that the latter having no issue looked upon him as his son-in-law.

XXIII With reference to the above Suit of Kesvappa the Plaintiff States thus:—

"In that Case the present Defendant

Shashanna has stated that the 4 villages Kaffanaikenahalli and others (forming Phirka No 2 Lidagondanahalli) belongs to my Hak." If so, why did not the Plaintiff file a suit for that Phirka, but brought a suit for the Mattod Phirka? His reply is that having somehow got the six villages of Phirka No 4 at the Pakka Potigi he considered it as a good Substitute for Phirka No 2 of four villages and that therefore he sued for the Mattod Phirka. —

XXII It must be stated here that since the Pakka Potigi, the effect of the famine reduced the revenue of the villages considerably and that in February 1884, the Survey Department fixed lower amount of Salary in proportion to the reduced revenue. Some of the

Phirkas

entered in the list of 1874, for 5 Duty
of the Phirkas as his adopted Son.
It is also Strange that in the Pakka
Potgi of 1877 also be put in the name
of Shashanna at first. There is therefore
reason to Suspect that no valid
and formal adoption took place,
that it was under dispute; that
therefore Mallarappa mentioned
the name of Shashanna at the Potigi;
that this having given rise to a
discussion among the Hukdars, they
Settled among themselves that
Mallarappa Should be permitted
to treat the Plaintiff whose upana
-yana he had performed and
whom he brought up as his foster
Son, as his adopted Son and
to give him the Khappageri Phirka
and that the name of Shashanna
was then Struck off and the appointment
made finally in the manner done in
the Pakka Potigi Register. The Ittilla No
555 dated 19th December 1878 of the amils

of Hiriyur recommending the appointment of a gumasta to the Plaintiff Contains a paper signed by four persons of whom Jammaya is one stating that the adoption of the Plff. took place about three years ago. As the appointment of the Plaintiff as the adopted son of Mallarappa to the Kaphageri Phirka was made by the Deputy Commissioner in July 1877. I do not see what official necessity there was for getting up the above paper one year and five months afterwards. It is likely that Mallarappa having died shortly after the Patigi, Venkamma his widow feared that some young member or other of the heirs of Huldars 1 and 2 might cast doubt upon the adoption Conceded by the elder member and thereby dispute the Plaintiff's title to the Phirka to which he was appointed: and that therefore she got the paper written up

Party to bear his own Costs.

Coorg { Ayya Narayanaiyengar 61
th June 1889 { Acting Assistant Commissioner
Police.

"True Copy"

A. Ramaswamiyengar

Revenue Sheristadar

Deputy Commrs' office

Copy applied for 21/6/89 No of words 5720

by the Plaintiff Amount of fee 9-7-"

Ready for delivery 8/7/89 Comptd fee 1-3-

Date of delivery 8/7/89 Total 6-10

A.R.

Revenue Sheristadar

Before the Government of *His Highness* the Maharaja of Mysore

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Appeal No. of

Appellant. Vs. Respondent

Decision.

agreeing with the Court below, that the arr
ments made at the Pakka Potigi were
the Consent of the Appellant's father,
the appeal.

Even granting that Appellan
father consented to the arrangements
at the Pakka Potigi settlement, there
to shew that such consent was given
Circumstances, which would be legal
binding on the Sons in a matter of here
such like the present. The case will
fore be remanded to the Deputy Com
missioner with a request that he will
make all the holders of the five Fa
as Defendants in the case, re-inves
gate the matter, and dispose of it

in

its merits.

Ind
5th 1879

By order

Sec

ASP / 4690 // 05 & 83 Ugan - Secretary.
65 62 + 2 folios 110

Copy to the Dy: Commr, Chittaldrug & Dft, with ref
ference to his Nos 326 & 300 dt 20 & 26 16th Novr
and 19th Decr/89 respectively returning
the Proc and the Kuchia & Sakka
Digi Settlement Registers received
with.

for order

Under Secretary.